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REMARKS

The present response is to the Office Action mailed in the above-referenced case on March 08, 2007, made non-final. Claims 16, 18, 19 and 21 are standing for examination. The Examiner has rejected claims 16 and 19 under 35 U.S.C. 112, first paragraph, as failing to meet the enablement requirement. Further the amendment to the specification filed January 3, 2007 is objected to as introducing new matter, and the applicant is required to delete the new matter. Still further claims 16, 18, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Condo, US 6370546, hereinafter Condo, in view of Oberlander, US 5825865, hereinafter Oberlander.

In the matter of the specification and new matter, the applicant has complied by amendment above to remove the alleged new matter.

In the matter of the rejection of claims 16 and 19 under 35 U.S.C. 112, the applicant traverses the examiner. The examiner says the "specification does not provide enablement for a code sent from the user computer to instruct a server to transmit emails directly to the portable device. The specification supports "a code is sent to the host server indicating now the subscriber is in the field." on page 7, lines 28-29."

The applicant agrees the language of "a code is sent to the host server indicating now the subscriber is in the field." is enabled, as the examiner admits. But the specification also abundantly enables that emails are transmitted to the playback device by the wireless transmission facility while the user "is in the field" (the playback device being disconnected from the user's computer). See the paragraph on page 7 of the as-filed specification beginning at page 10, and Fig. 1 of the as-filed specification showing a playback device not connected to the PC receiving signals 106 from wireless transmitted 122.

So the applicant has amended claim 16 once again in the *wherein* clause as follows:

"wherein the server transmits emails to the user computer for download to the portable device via the network while the device is connected to the user computer, and

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upon disconnection of the portable device from the user computer the server is instructed by ~~code~~ signal sent from either the user computer or from the playback device that the user is now in the field, the user computer to and the server transmits ~~transmit~~ the emails directly to the portable device via the wireless transmission facility while the user is in the field." A similar amendment has been made to claim 19.

As to the rejection of the claims under 35 U.S.C. 103(a), Kondo teaches in the passages relied upon by the examiner that messages may be transmitted wirelessly to the personal computer, or by hardwire connection, but there is no teaching in these passages of the server being informed by signal from either the playback device or the computer (in applicant's case) of the fact of connection or disconnection (user in the field or not). The references do not teach this limitation, and the claims are therefore patentable over the references.

The depended claims are patentable at least as depended from a patentable claim.

As all of the claims standing for examination have been shown to be patentable over the art of record, applicant respectfully requests reconsideration, and that the present case be passed quickly to issue. If there are any time extensions needed beyond any extension specifically requested with this amendment, such extension of time is hereby requested. If there are any fees due beyond any fees paid with this amendment, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully submitted,
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